

REMARKS

Claims 1-12 are pending in this application. By this Amendment, claim 6 is amended. Support for the amendments to the claims may be found, for example, in the original claims. No new matter is added. Reconsideration and allowance of the application based upon the above amendments and the following remarks are respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance, for the reasons discussed therein; (b) do not raise any new issue requiring further search and/or consideration, as the amendments amplify issues previously discussed throughout prosecution; (c) place the application in better form for appeal, should an appeal be necessary; and (d) do not present any additional claims without canceling a corresponding number of finally rejected claims. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the Final Rejection. Entry of the amendments is thus respectfully requested.

I. Interview

The courtesies extended to Applicant's representative by Examiner Smith at the interview held on February 15, 2011, are appreciated. Applicant thanks the Examiner for the indication that the Examiner would enter and consider the amendments to claim 6, which are made in view of the 35 U.S.C. §112 rejection and for clarity. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

II. Rejection Under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 6-11 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. By this Amendment, claim 6 is amended in light of

the Examiner's comments. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. Double Patenting

The Office Action provisionally rejects claims 1-12 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 6, 9 and 11-15 of copending Application No. 10/589,669. Applicant thanks the Examiner for the indication that claims 1-5 and 12 are allowable if the obviousness-type double patenting rejection is overcome.

Applicant is simultaneously filing herewith a Terminal Disclaimer over the cited reference, thus obviating the rejection of claims 1-12. Reconsideration and withdrawal of the double patenting rejection are respectfully requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of this application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Terminal Disclaimer

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